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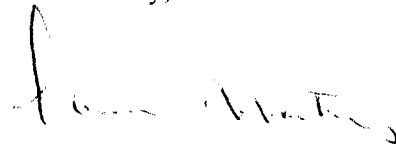
April 24, 1998

William F. Caton, Acting Secretary  
Federal Communications Commission  
Washington D.C. 20554

Dear Sir:

Enclosed please find original and eight copies of comments relating to notice of proposed rule making in RM 9242 for filing and distribution to each Commissioner and Mass Media Bureau.

Sincerely,



Louis Martinez

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	FCC RM 9242
Creation of Lower Power FM	)	
(LPFM) Broadcast Service	)	

To: Mass Media Bureau

**Comments of Louis Martinez**

1. The undersigned herein submits the following comments in the matter captioned above. Louis Martinez (Martinez) is the licensee of low power TV station KGBS-LP of Austin, Texas (a Telemundo affiliate), and also holds a construction permit for LPTV stations K65ES and K65FT. I have been involved in the communications industry and broadcasting for over 40 years, particularly in the development of wireless technology. I have also been involved in station operations and management.

2. I know from my own experience how valuable it is to acquire a radio license and if it were not for the opportunity the LPTV service opened for me, it would not have been feasible for me to own a broadcast station. Therefore I support the creation of a new low power FM radio (LPFM) service because I know this will also open the door for many individuals to own a station and to serve their local communities.

3. The regulatory provisions proposed by Mr. Roger Skinner of TRA Communications Consultants ("TRA") relating to qualifications to be met by LPFM licensees appear to be overly restrictive; the requirement that a licensee live within 50 miles of their LPFM antenna is an example. I believe it will be difficult for the Commission to draft basically new rules for this proposed service; the Commission should instead adopt essentially the same rules currently applicable to LPTV, with exception of technical rules, which relate to radio service only.

4. The Commission has been moving in recent years toward adopting technical rules that focus attention on issues of interference between broadcast stations and has permitted licensees to use whatever approach that makes technical sense to minimize interference. For example, in the new Digital Television rules and associated LPTV rules, the Commission permits proposed adjacent channel co-location operations. Also, these new TV rules focus on actual interference based on detailed topographic, demographic and signal/noise ratio of the protected channel, thereby permitting more realistic consideration of the interference problem. Interference is after all the main concern of the

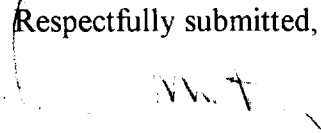
Commission and this new technical stance is very likely to maximize use of valuable radio spectrum.

5. Martinez consequently urges the Commission to permit LPFM license applicants to employ technical solutions comparable to those permitted in other services, particularly in LPTV. This is a better approach, rather than attempt to draft detailed new technical rules for LPFM, as suggested by TRA. The Commission should adopt only very broad technical rules, such as maximum effective radiated power. This will permit applicants to fit their new FM channel within the existing broadcast environment in the best possible way, interference being the main concern. This is the approach the Commission has taken in regard to LPTV and it should be used also for LPFM.

6. In summary, with the exceptions noted above, Martinez supports the creation of the new LPFM service proposed by TRA and urges the Commission to move speedily toward this end.

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Respectfully submitted,

  
Louis Martinez  
Licensee, KGBS-LP, et al